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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,998	03/15/2004	Luis Felipe Cabrera	MS1-1859US	3337
22801	7590	09/19/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			LEWIS, CHERYL RENE	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/801,998		CABRERA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Cheryl Lewis		2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 1004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-30 are presented for examination.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samuel et al. (Publication No.: US 2005/0144298 A1 filed March 5, 2002, hereinafter Samuel) and Goodman et al. (Publication No.: US 2004/0019645 filed July 26, 2002, hereinafter Goodman).
4. Regarding Claim 1, 16, 22-24, 29, and, 30, Samuel teaches a system and method for enterprise software distribution.

The method and associated system for enterprise software distribution as taught or suggested by Samuel includes:

creating an endpoint reference to identify an endpoint in a system, endpoint reference comprising an address of the endpoint (paragraphs 0024-0103); and encapsulating one or more contexts (figure 12) into the endpoint reference, each context being direct to a respective component of the system (paragraphs 0024-0103),

each context being transparent to the component and selectively opaque to all other components (paragraphs 0024-0103).

However, Samuel does not expressly teach a pub-sub system.

Goodman teaches a pub-sub system (figure 4, element 410).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method of Samuel with the method of Goodman because Goodman's method enables electronic messages to be published through a pub/sub service to subscribing clients.

5. Regarding Claim 2, Goodman teaches a publisher (paragraphs 0024-0103).

6. Regarding Claim 3, Goodman teaches a transport protocol such that a source address and a destination address of a message that encapsulates the endpoint reference is decoupled from the transport protocol, the source and destination addresses not being the address of the endpoint (paragraphs 0024-0103).

7. Regarding Claim 4, Goodman teaches TMD-addressing (paragraphs 0024-0103).

8. Regarding Claim 5, Goodman teaches sending a subscription request to an event source, the subscription request encapsulating the reference, the subscription request directing the event source to transmit event notification message(s) to an event sink responsive to receiving particular event(s), each event notification comprising appropriate portion(s) of the selectively opaque context (paragraphs 0024-0103).

9. Regarding Claim 6, Goodman teaches a publisher sending an event source a subscription response to a subscriber the subscription response encapsulating the

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reference, the subscription response directing the subscriber to communicate the reference to the managed subscription associated with appropriate portion(s) (paragraphs 0024-0103).

10. Regarding Claims 7-15, 17-21, 25-28, the limitation of this claim has been noted in the rejections presented above. They are therefor rejected as set forth above.

11. Regarding Claim 8, the limitation of this claim has been noted in the rejections presented above. In addition, Goodman teaches inserting one or more contexts specified by a markup language into an element of the reference, and context being directed to a respective component of the pub-sub system, each context being transparent to the respective component and selectively opaque to all other pub-sub system components (paragraphs 0024-0103).

#### **NAME OF CONTACT**

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Cheryl Lewis". The signature is fluid and cursive, with the first name "Cheryl" written in a larger, more prominent script than the last name "Lewis".

Cheryl Lewis  
Patent Examiner  
September 18, 2006